

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DANIEL EUGENE KELLER §
VS. § CIVIL ACTION NO. 1:18-CV-161
DHO DANIELS, *et al.*, §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Daniel Eugene Keller, an inmate currently confined at the FCI Beaumont, proceeding *pro se*, brings this *Bivens*-type¹ action against the following defendants: DHO Daniels, Warden Castaneda, VT Supervisor Stuterville, Psychologist Alsobrooks and Captain Rule. These defendants are employed at FCI Big Spring located in Big Spring, Texas.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

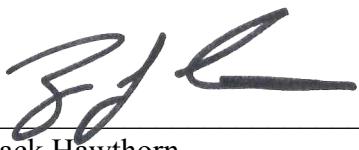
Plaintiff complains of defendants who allegedly violated his constitutional rights while plaintiff was incarcerated at FCI Big Spring located in Big Spring, Texas. Venue in a *Bivens*-type action is determined pursuant to 28 U.S.C. § 1331(b). *Stafford v. Briggs*, 444 U.S. 527 (1980). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1331 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred. It would appear the

¹See *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

defendants reside in Big Spring, Texas and that is also where a substantial part of the events or omissions giving rise to the claim occurred.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Plaintiff’s claim against these defendants should be transferred to the Northern District of Texas, Abilene Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 25th day of June, 2018.



Zack Hawthorn
United States Magistrate Judge